

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SORKIN, Felix L.

SERIAL NO.: 10/756775

ART UNIT: 3609

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EXAMINER: Bartosik, A. N.

TITLE: POSITIVELY RETAINED CAP FOR USE ON AN ENCAPSULATED ANCHOR OF A POST-TENSION ANCHOR SYSTEM

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 20 have been canceled and new Claims 21 - 35 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Office Action, Claims 10, 12 - 15 and 17 - 20 were rejected under 35 U.S.C. § 102(b) as anticipated by the Sorkin '912 patent. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sorkin '912 patent in view of the Sorkin '894 patent. The drawings were objected to under 37 C.F.R. 1.84(p)(4) since reference numerals have designated to different items. A disclosure was also objected to because of a minor informality. Claim 1 was objected because the term "anchor members" lacked antecedent basis. Importantly, it was indicated that Claims 1 - 9 would be allowable if rewritten or amended to overcome the formality objections. Additionally, it was indicated that Claim 16 would be allowable if rewritten to overcome the rejections of 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Although Applicant respectfully disagrees with the prior art rejections, Applicant is desirous of securing patent protection for the present invention at an early date. As such, Applicant has

placed those "allowed" claims into a proper form and also placed the "objected to" dependent claim into a proper independent form.

In particular, new independent Claim 21 incorporates the limitations of previous independent Claim 1. Within independent Claim 21, the previous objected to term "anchor members" has been replaced with the term "anchor member". "Anchor member" finds proper antecedent basis in an earlier portion of the claim language. Dependent Claims 22 - 29 correspond, respectively and identically, to the language found in previous dependent Claims 2 - 9.

Independent Claim 30 incorporates the limitations of objected-to Claim 16, along with the limitations of base Claim 14. As such, independent Claim 30 should be in a proper condition for allowance. Dependent Claim 31 corresponds to the limitations found previous dependent Claim 15. Dependent Claims 32 - 32 correspond, respectively, and identically, to the limitations found in previous dependent Claims 17 - 20.

Paragraphs 30 and 47 of the original specification have been revised so as to correct for the formality objections by the Examiner.

Based upon the foregoing analysis, Applicant contends that independent Claims 21 and 30 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

November 5, 2007	Respectfully submitted,
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